

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In RE:) Chapter 11 Case Number 18-23538
)
Sears Holdings Corporation) JUDGE: **ROBERT D. DRAIN**
)
Debtor(s)) **Petitioner/Creditor's Reply Brief**
) **in Response to Respondent/Debtor's**
) **Objection to Relief from Stay**

In further support of Plaintiff/Petitioner/Creditor's Relief from Stay, under 11 U.S.C. §362(d) and local rule 4001-1, derived from Former Local Bankruptcy Rule 44(a) Joyce Franklin ("Movant"), by and through counsel, Jaime L. Agnew, offers this Reply Brief in Response to Debtor's Objection.

MEMORANDUM IN SUPPORT

First, as to Debtor's Preliminary Statement that the Movant show cause. Bankruptcy Courts have broad discretion to modify or end the Automatic Stay against a creditor, and creditors can seek that relief under subsection (d) of the automatic stay statute cited above [11 USC 362 (d)]. Although it is commonly a failure to maintain obligations regarding secured property, i.e. failing to maintain insurance on retained collateral, there are other avenues spelled out. Movant asks the Court to consider section 362 (d)(4) whether the filing of the petition was part of a "scheme to delay, hinder, or defraud creditors." Again, the Bankruptcy Courts have broad discretion, and although much case law points to filings on the eve of significant events, such as foreclosure, since many motions for relief are secured property related, there is no preclusion in the law from the Court granting the relief for a prepetition, state court tort action.

Therefore, where Debtor points to the fact that the tort action by Movant was "filed days before the commencement of these Chapter 11 cases" in its Preliminary Statement, it should be viewed by the Court that, in fact, Debtor filed days before a default judgment could be rendered in the "Franklin Action" due to the Debtor's intent to delay, hinder, or defraud the Movant. The admission by Debtor in their Preliminary Statement that there is "no such coverage [that is] available" speaking of third-party insurance provides the basis for such a scheme. Until their objection, no notice was given to the Movant regarding such prejudicial information and is

clearly the motivation behind the Debtor's intent to hinder, delay, and/or defraud the Movant, Ms. Franklin. It is unclear whether such relief would be "premature, inefficient, and prejudicial to all of the Debtor's administrative, priority, and other general unsecured creditors" as Debtor would indicate to the Court. That is due to the fact that although there may be other prepetition tort claims, it is absolutely unclear that they can be deemed similarly situated, either in fact, since this may not be a typical 'Slip and Fall case' where the complaint alleges a brain injury, and may be deemed "catastrophic" by a trial court. Secondly, other cases may not have the requisite proof, as does the Movant here, to show the Court by a preponderance of evidence that the Debtor did in fact hinder, delay, and/or defraud the Movant. Therefore, the Court should grant the Motion for Relief. In the alternative, allow the Movant to file her proof of claim as a one with priority, requiring the Debtor to amend the Chapter 11 Schedules and/or plan to include Ms. Franklin as a secured creditor, entitled to the amount requested in her original demand to the Debtor.

MOVANT'S TIMELINE AND EXHIBIT

While the Movant does not dispute the "Background" of the case by the Debtor, it purports to indicate that the Movant was an individual not known to the Debtor until the filing of the Complaint on September 24, 2018. However, that presentation is extremely misleading. Please, see Movant's attached Exhibit 1, which is counsel's letter of representation sent to "Kmart Corporation c/o Sedgwick Claims Management," on "August 2, 2017" putting Debtor on notice of the "Date of Incident: 07/08/2017." As per Movant's attached Composite Exhibit 2, that letter was acknowledged by a Claims Adjuster for Sedgwick Claims Management Services, Inc., Gary Abrath on Monday August 28, 2017. These emails are offered under Federal Rule 408, not to prove or disprove the validity or amount of the claim, nor to impeach a prior inconsistent statement, but "for another purpose," particularly that Debtor did in fact hinder, delay, and/or defraud the Movant, Ms. Franklin.

Every email is dated. These communications, which range from August 2, 2017 until September 24, 2018, provide a detailed timeline of the "cause" argued by Movant. First, Mr. Abrath was put on notice, he was provided records and a demand, yet every communication from Sedgwick Claims, who represented the Debtor, was made for the sole purpose of delay, and are explicit in such intent. Debtor, in paragraph 18 of their objection says the Franklin Action is "in its infancy;" and [no] "discovery commenced." However, on February 9, 2018 a formal demand letter with medical records was sent via email to Mr. Abrath of Sedgwick Claims. That should have been all that was needed to discuss possible resolution. However, with the Court's review of the composite exhibit, it can be noted that continued requests to validate information *already known* to the Debtor was made. See Wednesday, March 21, 2018 where it is noted that the Medicare conditional payment amount is known to the Debtor, but they are requiring a letter confirmation even though it takes approximately sixty (60) days. When it is sent on May 8, 2018, as per the emails, it is indicated to Mr. Abrath as follows: "*Time is of the essence to consider resolution. Your client has had my demand packet now since February 9, 2018. Ms. Franklin's condition is worsening according to family. She was unable to understand that we needed to exchange the attached Medicare correspondence, and it was finally had to be sent in care of her daughter. Please, ask your client to consider the demand at the earliest convenience, so that we can proceed accordingly. Thank you.*"

Yet, even with that plea for negotiations regarding settlement to finally commence, Mr. Abrath made what seemed to be offers of resolution, but in hindsight, were thinly veiled excuses to hinder, delay, and/or defraud.” Please, see Friday, June 29, 2018 where Mr. Abrath states, “*Please be assured it is getting worked on and I will definitely let you know as soon as I get some money.*” Then again, June 5, 2018 Mr. Abrath states “*Working on getting some authority, should have something soon.*” June 20, 2018, Mr. Abrath states, “*I apologize again for the delay. It's been crazy busy over here. Ms. Franklin's file has been forwarded to the client and I'm just awaiting some authority.*” After continuing to await such a response, counsel again pleads for the matter to be addressed stating, “*Gary, if we haven't discussed previously, please, understand that my client is back in treatment for her hip and her brain condition has only worsened, which may mean additional damages. As long as this is taking, I can only hope your client is reasonable and I haven't been asking my client and her family to wait forever for naught?*” Again, July 27, 2018, to Mr. Abrath, “*What is the hold up Gary? I really don't get it, is your client holding out for me to file? I've never had to wait so long on a demand response. What is really going on here? Filing is more expensive and time consuming for everyone. My client is really frustrated, and rightfully so, just be straight, does your client intend to make an offer or not?*”

Although it is unknown, it is likely that the Debtor was already aware of the issues with its third party insurance, even though, again it appears they are being misleading in their objection by providing a statement of the exhaustion in Exhibit A that is not dated until December 13, 2018. It is also likely that by the end of July 2018, the Debtor, for many reasons, but now known to Movant, the exhaustion of insurance being one, are already contemplating their filing of a Chapter 11 petition. However, on the same day (July 27th) as the Movant’s inquiry as to why the negotiations were so abnormal, or out of the ordinary, Mr. Abrath states, “*I did get a response and they do have a couple of questions.*” To further solidify there are no issues, in a separate email that date he further states, “*Yes, they do intend on making an offer. I just emailed you some issues they had. I want to make sure we get a decent offer to you.*” After responding to the ‘issues’ but experiencing continued delay, counsel questions Mr. Abrath on August 15, 2018 “*I have this horrible feeling we're back at square one?*” Mr. Abrath says the next day, August 16, 2018, “*I have not gotten a response back yet, I will follow up.*” Not feeling at all reassured, based on the track record, counsel advises Mr. Abrath that my client, the Movant here, wants to file. Unfortunately, the mirage continues, with Mr. Abrath replying, the same date, August 30, 2018, “*If you do file, please, send me a courtesy copy. I am still trying to get authority. Once I get it, I will throw you an offer and hopefully we can get this settled before too much litigation expense.*” No surprise, even though it takes the Movant almost a whole month to be able to move forward with the expense of filing the Complaint, there is no word from the Debtor, and they, of course are well on their way to filing their petition. Therefore, when Mr. Abrath receives a copy of the Complaint, he simply says it will be processed, but no one answers the Complaint, and only days before the twenty-eighth day (28) deadline to respond, the Chapter 11 commences.

LEGAL ARGUMENT

First, Movant asks the Court then to consider the above timeline and Exhibits to consider that the Debtor did, at the very least, hinder and delay. The “single test” theory is adopted by at least some bankruptcy jurisdictions See *In Re Addison*, 540 F 3d 805 (8th Cir 2008). However,

other circuits draw a finer line for section 362(d)(4), specifically, in the Seventh Circuit which had drawn a distinction between “defrauding” and “delaying.” In *In Re Smiley* 864 F.2d 562 (7th Cir. 1989) the Court determined that *Smiley* had not necessarily defrauded his creditors, but that he had intended to delay and hinder them, and this satisfied the requirement of the “hinder, delay, or defraud” provision in 11USC 727(a)(2). The Court in *Smiley* thus toes the line that a case need not be filed in bad faith, or with fraudulent intent, to nevertheless include an intent to hinder or delay, which allows the Court to disregard the question of how it could confirm the Plan as “filed in good faith” under 11USC 1325(a)(3), since the two findings would appear mutually exclusive. In any event, In *Smiley*, it is clear the Debtor must be found to have engaged in some conduct that was not proper, and that the intention must, at least in part, be to prevent creditors from collecting on their claims. Movant asks that this Court find such action in this Debtor’s prior dealings with the Movant, so as to find the requisite “cause” for a Relief from Stay.

As an alternative, Movant asks the Court to consider whether it may be possible for the Movant’s demand amount, that was originally provided per the letter dated February 9, 2018, in the amount of four hundred twenty-five thousand dollars (\$425,000.00) to be deemed “liquidated” and treated as a secured debt. In *Nicholes v. Johnny Appleseed of Washington*, 184 B.R. 82 (B.A.P. 9th Cir. 1995), the Court noted that a “debt is liquidated if it is capable of ‘ready determination and precision in computation of the amount due.’” *Id.* at 89. The test for this “ready determination” is “whether the amount due is fixed or certain or otherwise ascertainable by reference to an agreement or by a simple computation.” *Id.* It further noted that “the term ‘disputed’ is broad and can encompass either liquidated or unliquidated debts.” *Id.* In other words, “it is the nature of the dispute and not the existence of the dispute, that makes a claim unliquidated.” *Id.* at 90. If it is necessary to have an expert determine the amount of loss, the Movant does not object to such a finding, and asks that this Reply be deemed a Complaint for an adversary proceeding to determine if an agreement as to the amount can be first, ascertained, and/or agreed to, so as to necessitate Movant’s debt to be added to the Schedules, and/or paid as a priority in the Plan.

CONCLUSION

It would be a grave miscarriage of justice if this Court did not allow any relief for the Movant. While the Debtor speaks of their inadequate insurance coverage as though it is a defense to liability, the Movant is struggling with the repercussions of her fall due to the Debtor’s negligence. Movant is a real individual person, who has to take medication every day so the seizures she experienced when she fell and ruptured the aneurism in her brain do not come back or possibly take her life. While the Debtor is arguing in their objection about the fairness to the Debtor in considering their, apparently astronomical, cost of legal fees for representation in the Lucas County Court of Common Pleas, for defense, Movant is instead contemplating borrowing money, not for Christmas presents, but for filing fees. Without relief the Movant, Mrs. Franklin is not made whole, and although the Bankruptcy Code, and thus this Court is established on the premise of creating an atmosphere of fairness for the debtors before it, the Court cannot turn a blind eye to fairness for all, including the creditors. Wherefore, Movant asks for 1-Relief from Stay or 2-An adversary proceeding to determine an amount for a liquidated claim on Movant’s behalf due to the showing of “cause” above.

Respectfully submitted,

/s/ Jaime L. Agnew, Esq.
Jaime L. Agnew (0081919)
AGNEW Law Office, LLC
Attorney for Movant
Admitted Pro Hac Vice
1144 S. Detroit #140215
Toledo, OH 43614
P: (419) 944-0880
F: (419) 382-1916

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been served upon the following parties by electronic notice on this _____ day of December, 2018.

By Electronic Notice:

Attorney For Defendant (Lucas County Common Pleas):

Keith A. Savidge, Esq. (0014242)
Terese M. Fennell, Esq. (0070871)
Seeley, Savidge, Ebert, & Gourash Co., L.P.A.
26600 Detroit Rd.
Cleveland, OH 44145-2397
(216) 566-8200; (216) 566-0213
Ksavidge@sseg-law.com
tfennell@sseg-law.com

Attorney For Debtor (Southern District New York):

Weil, Gotshal & Manges LLP
767 Fifth Ave.
New York, New York 10153
(212) 310-8000; (212) 310-8007
Ray C. Schrock P.C.
Jacqueline Marcus
Garrett A. Fail
Sunny Singh

/s/ Jaime L. Agnew, Esq.
Jaime L. Agnew (0081919)

Movant's Exhibit 1

Agnew Law Office, LLC

Jaime L. Agnew, Esq.

1144 S. Detroit #140215
Toledo, OH 43614
Phone: (419) 944-0880
Email: jaimeagnew21@gmail.com

August 2, 2017

Kmart Corporation
c/o Sedgwick Claims Management
PO Box 14448
Lexington, KY 40512-4448
ATTN: Andrea Cruz

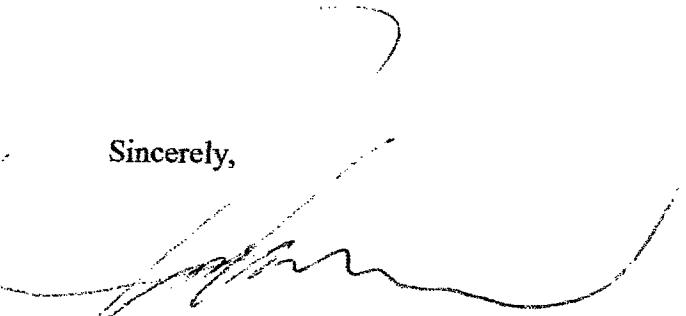
RE: *Joyce Franklin*
Claim No.: L1707085040-0001
Date of Incident: 7/08/2017

Dear Ms. Cruz,

As per my voice message to your office on July 26, 2017, I am writing to notify you that my office has been retained by Mrs. Joyce Franklin regarding an incident at Kmart in Toledo, Ohio. The address for the location is 1801 W. Alexis Rd., Toledo, Ohio 43613. Mrs. Franklin is currently treating for her injuries related to that incident.

We look forward to working with your office to resolve this matter. Thank you in advance for your anticipated cooperation.

Sincerely,


Jaime L. Agnew
Attorney at Law

Movant's Composite Exhibit 2

(Numbered p. 1-30)



Jaime Agnew <jaimeagnew21@gmail.com>

Claim - L1707085040-0001 - Joyce Franklin - Date of Loss: 07/08/2017 - GL

3 messages

Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: "jaimeagnew21@gmail.com" <jaimeagnew21@gmail.com>

Mon, Aug 28, 2017 at 8:54 AM

Good Morning Jaime,
I have taken over the handling of this file for your client, Joyce Franklin. If you could kindly update me on Ms. Franklin's status, I'd greatly appreciate it.

Thank you,

Sedgwick manages claims on behalf of Sears Holdings Corporation.
Gary Abrath
Claims Adjuster
Sedgwick Claims Management Services, Inc.
Phone: 866-352-1521 x 50726
Fax: 866-876-7050
E-mail: gary.abrath@SedgwickCMS.com

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Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Mon, Aug 28, 2017 at 9:37 AM

Hello Mr. Abrath,

Thank you for following up with regard to Mrs. Franklin. She is still under care for her injuries, and I am still awaiting medical records. Once my file is substantially complete I will forward a demand packet to your office. I look forward to working with you to resolve this matter. Thank you.

Jaime Agnew
[Quoted text hidden]

Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Mon, Aug 28, 2017 at 9:52 AM

Thank you Jaime!

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726
EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring countsSM

From: Jaime Agnew [mailto:jaimeagnew21@gmail.com]
Sent: Monday, August 28, 2017 9:37 AM

To: Abrath, Gary

Subject: Re: Claim - L1707085040-0001 - Joyce Franklin - Date of Loss: 07/08/2017 - GL

[Quoted text hidden]

[Quoted text hidden]



Jaime Agnew <jaimeagnew21@gmail.com>

Claim - L1707085040-0001 - Joyce Franklin - Date of Loss: 07/08/2017 - GL

5 messages

Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: "jaimeagnew21@gmail.com" <jaimeagnew21@gmail.com>

Tue, Nov 28, 2017 at 10:15 AM

Hi Jaime,
I was following up on Joyce's progress. Is she still treating? If so, do you know about how much longer?

Thanks!

Sedgwick manages claims on behalf of Sears Holdings Corporation.
Gary Abrath
Claims Adjuster
Sedgwick Claims Management Services, Inc.
Phone: 866-352-1521 x 50726
Fax: 866-876-7050
E-mail: gary.abrath@SedgwickCMS.com

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Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Tue, Nov 28, 2017 at 11:00 AM

Mr. Abrath,

Ms. Franklin is still treating. However, I have a demand package prepared for you. You should have it by the end of the week. Thank you.

Jaime
[Quoted text hidden]

--
Jaime L. Agnew, Esq.
AGNEW Law Office, LLC
1144 S. Detroit, #140215
Toledo, OH 43614
Phone: 419-944-0880
Fax: 419-382-1916
jaimeagnew21@gmail.com

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Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Wed, Dec 6, 2017 at 3:24 PM

Mr. Abrath,

Sorry for the delay on Franklin's demand package. My son was admitted to the hospital last week, and today is my first day in the office. You can expect the package by Monday next week. Thank you.

Jaime Agnew

[Quoted text hidden]

Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Wed, Dec 6, 2017 at 3:29 PM

Hi Jaime,

No worries....Hope your son is ok!

Thanks!!

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726
EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring countsSM

From: Jaime Agnew [mailto:jaimeagnew21@gmail.com]
Sent: Wednesday, December 06, 2017 2:24 PM
To: Abrath, Gary
Subject: Re: Claim - L1707085040-0001 - Joyce Franklin - Date of Loss: 07/08/2017 - GL

[Quoted text hidden]

[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Fri, Dec 15, 2017 at 12:03 PM

Mr. Abrath,

My son is doing a lot better now, thank you. However, in finalizing Miss Franklin's demand package we discovered that the subrogation information sent by her Medicaid provider was incorrect. Therefore, the demand package will be delayed a little bit further. I spoke with their legal department yesterday afternoon, and they assure me it is being reviewed for accuracy, and I should have the new file very soon. I apologize to you for the continued delay but assure you that our package is forthcoming and I look forward to working with you to try and resolve this matter.

Jaime Agnew

[Quoted text hidden]



Jaime Agnew <jaimeagnew21@gmail.com>

Claim - L1707085040-0001 - Joyce Franklin - Date of Loss: 07/08/2017 - GL

18 messages

Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: "jaimeagnew21@gmail.com" <jaimeagnew21@gmail.com>

Mon, Jan 8, 2018 at 10:23 AM

Hi Jaime,
I hope you had a nice holiday! I was just following up on the status for Ms. Franklin. Is she still treating? If so, do you know how much longer?

Thanks!

Sedgwick manages claims on behalf of Sears Holdings Corporation.

Gary Abrath
Claims Adjuster
Sedgwick Claims Management Services, Inc.
Phone: 866-352-1521 x 50726
Fax: 866-876-7050
E-mail: gary.abrath@SedgwickCMS.com

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Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Mon, Jan 8, 2018 at 10:35 AM

Thanks Gary! I hope you had a nice holiday as well, and your new year has gotten off to a good start! Ms. Franklin is still doing some therapy for her hip, but the only thing I am waiting on to get you our demand package is the subrogation lien from her insurance. I'll follow up when the package is forthcoming.

Jaime

[Quoted text hidden]

--
Jaime L. Agnew, Esq.
AGNEW Law Office, LLC
1144 S. Detroit, #140215
Toledo, OH 43614
Phone: 419-944-0880
Fax: 419-382-1916
jaimeagnew21@gmail.com

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Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Mon, Jan 8, 2018 at 11:02 AM

OK, thanks Jaime!

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726
EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring counts™

From: Jaime Agnew [mailto:jaimeagnew21@gmail.com]
Sent: Monday, January 08, 2018 9:36 AM
To: Abrath, Gary
Subject: Re: Claim - L1707085040-0001 - Joyce Franklin - Date of Loss: 07/08/2017 - GL

[Quoted text hidden]
[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Fri, Feb 9, 2018 at 1:38 PM

Mr. Abrath,

I have attached my formal demand letter with records here. I will not send a paper copy unless it is requested. Normally, I would not send a demand without the lien information in my possession, however, the Ohio Department of Medicaid and the HMO provider, CareSource are holding it up based on dates of coverage, etc., and who is legally responsible party to provide that information. Therefore, based on conversations with my client, it is of the upmost importance that we at least try to resolve the case without that piece in hand. As my letter states, time is of the essence due to the date of incident, and with that, the possible necessity to file a formal complaint. Please, respond at your earliest convenience. Thank you for your continued cooperation in this matter.

Jaime
[Quoted text hidden]

5 attachments

-  [Franklin_Joyce_KmartDemandLtr_Final_2-09-18.doc](#)
38K
-  [Franklin_Joyce_MedRecs_StAnne.pdf](#)
1591K
-  [Franklin_Joyce_MedRecs_StVincent.pdf](#)
2330K
-  [Franklin_Joyce_MedRecs_ROI.pdf](#)
1417K
-  [Franklin_Joyce_MedRecs_SunforestPT.pdf](#)
2452K

Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Thu, Feb 22, 2018 at 3:52 PM

Thanks Jaime,

Does Joyce have any Medicare benefits? Are you able to e-mail me her SSN?

Thanks!

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726
EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring countsSM

From: Jaime Agnew [mailto:jaimeagnew21@gmail.com]
Sent: Friday, February 09, 2018 12:38 PM

[Quoted text hidden]

[Quoted text hidden]
[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Fri, Feb 23, 2018 at 1:02 PM

Gary,

As per your request... 283-62-7857. Please advise if you need further information. Thank you.

Jaime

[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Mon, Mar 5, 2018 at 8:31 AM

Gary,

My client, Ms. Franklin is expecting that I update her today regarding the possibility of resolution per our demand. Please, advise. Thank you.

Jaime Agnew

On Feb 22, 2018 3:52 PM, "Abrath, Gary" <Gary.Abrath@sedgwickcms.com> wrote:
[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Fri, Mar 9, 2018 at 3:33 PM

Mr. Abrath,

I hope all is well. I have not gotten a response to my previous email, nor my voice message. Please, advise as to the status of your client's position, since it is past my proposed settlement deadline. Thank you.

Jaime Agnew
[Quoted text hidden]

Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Tue, Mar 13, 2018 at 9:32 AM

Hi Jaime,

I am in the process of requesting authority to try and resolve Ms. Franklin's claim, however, based on her SSN that you gave me and MSPRC's hotline, she matches for Medicare benefits. My client requires we have a conditional payment amount in the file prior to obtaining any authority. I will not be able to obtain any authority until we have a conditional payment amount.

I assume Ms. Franklin is done treating so it shouldn't take too long for Medicare to provide it.

I would be more than happy to request this from Medicare if you would like or Ms. Franklin should be able to log into her account(she may have to create one, if not done already) at www.mymedicare.gov and navigate over to the Medicare Secondary Payee Recovery page and that should give a good idea of what is owed to Medicare.

If you can print that off and provide a copy of that, I should be able to use that as a reference to obtain authority.

Thanks!

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726
EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring countsSM

From: Jaime Agnew [mailto:jaimeagnew21@gmail.com]
Sent: Friday, March 09, 2018 2:33 PM
To: Abrath, Gary
Subject: Re: Claim - L1707085040-0001 - Joyce Franklin - Date of Loss: 07/08/2017 - GL

Mr. Abrath,

[Quoted text hidden]
[Quoted text hidden]
[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Tue, Mar 13, 2018 at 11:55 AM

Gary,

I have that information in her file. Once I am back in my office this evening I will forward it to you. Thank you.

Jaime

[Quoted text hidden]

--
Jaime L. Agnew, Esq.
AGNEW Law Office, LLC
1144 S. Detroit, #140215
Toledo, OH 43614
Phone: 419-944-0880
Fax: 419-382-1916
jaimeagnew21@gmail.com

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Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Tue, Mar 13, 2018 at 11:55 AM

Perfect, Thank you Jaime!

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726
EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring counts™

From: Jaime Agnew [mailto:jaimeagnew21@gmail.com]
Sent: Tuesday, March 13, 2018 11:55 AM

[Quoted text hidden]

[Quoted text hidden]
[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Tue, Mar 13, 2018 at 6:06 PM

Gary,

Attached is the information you requested. I look forward to hearing from you soon regarding settlement. Thank you.

Jaime
[Quoted text hidden]

--
Jaime L. Agnew, Esq.
AGNEW Law Office, LLC
1144 S. Detroit, #140215
Toledo, OH 43614
Phone: 419-944-0880
Fax: 419-382-1916
jaimeagnew21@gmail.com

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[Franklin_MedLienAmt.pdf](#)
53K

Pg 19 of 39

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Tue, Mar 20, 2018 at 11:08 AM

Gary,

Please, advise on the status of this case on your end. My client is having difficulty with her hip and may need further treatment, so I would like to see if we can fashion a settlement on this before it becomes necessary to review further medical records. Thank you.

Jaime

[Quoted text hidden]

Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Tue, Mar 20, 2018 at 3:26 PM

Hi Jaime,

I received the OH Medicaid lien, thank you, however, I need the Medicare conditional amount, if any, to request authority. Not sure if Medicare paid anything since Medicaid was involved, however, I will need a no pay letter from Medicare if that is the case. If Ms. Franklin or yourself, can log into her account, noted below, she should be able to pull up something from Medicare advising if there is any possible conditional amount that we need to consider in the settlement.

Please let me know.

Thanks!!

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726
EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring countsSM

From: Jaime Agnew [mailto:jaimeagnew21@gmail.com]
Sent: Tuesday, March 20, 2018 11:09 AM

[Quoted text hidden]

[Quoted text hidden]
[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Tue, Mar 20, 2018 at 4:41 PM

Gary,

The conditional pay amount for Medicare is \$0.00. However to get a "no pay" letter can take up to 60 days for me, so if that is necessary, and if you can retrieve that information faster with the information I have provided you, please, do so.

Please, let me know either way. Thank you.

Jaime

[Quoted text hidden]

Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Wed, Mar 21, 2018 at 7:46 AM

Good Morning Jaime,

If it is in fact 0.00, the fastest way that I know of getting it will be to have Ms. Franklin log into her www.mymedicare.gov account and print off the Medicare Secondary Payee Recovery page showing 0.00. Otherwise, yea, it could take up to 60 days.

I had already sent out the initial letter to COBC advising them of the claim, so I would be more than happy to send the letter to MSPRC requesting the conditional payment if you or Ms. Franklin are not able to retrieve the info thru mymedicare.gov.

Please advise.

Thanks!

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726
EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring countsSM

From: Jaime Agnew [mailto:jaimeagnew21@gmail.com]
Sent: Tuesday, March 20, 2018 4:42 PM

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Fri, Mar 23, 2018 at 7:14 AM

Gary,

I have an appointment with Ms Franklin this Wednesday to walk her through this, she's having difficulty. I'll follow up shortly thereafter. Thanks.

Jaime

[Quoted text hidden]

Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Fri, Mar 23, 2018 at 7:50 AM

Sounds good, thank you Jaime!

Have a great weekend!

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726
EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring countsSM

From: Jaime Agnew [mailto:jaimeagnew21@gmail.com]
Sent: Friday, March 23, 2018 7:15 AM

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]



Jaime Agnew <jaimeagnew21@gmail.com>

Claim - L1707085040-0001 - Joyce Franklin - Date of Loss: 07/08/2017 - GL

4 messages

Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: "jaimeagnew21@gmail.com" <jaimeagnew21@gmail.com>

Wed, Apr 25, 2018 at 11:38 AM

Good Morning Jaime,
Any update on the Medicare lien?

Thanks!

Sedgwick manages claims on behalf of Sears Holdings Corporation.
Gary Abrath
Claims Adjuster
Sedgwick Claims Management Services, Inc.
Phone: 866-352-1521 x 50726
Fax: 866-876-7050
E-mail: gary.abrath@SedgwickCMS.com

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Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Wed, Apr 25, 2018 at 11:49 AM

Yes. It's been verified as "sent"....on our 3rd try...still waiting. IF I get this one, I should be able to forward it to you next week. Thanks.

[Quoted text hidden]

Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Wed, Apr 25, 2018 at 11:56 AM

Great, thank you for the update!

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726
EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring countsSM

From: Jaime Agnew [mailto:jaimeagnew21@gmail.com]
Sent: Wednesday, April 25, 2018 11:49 AM
To: Abrath, Gary
Subject: Re: Claim - L1707085040-0001 - Joyce Franklin - Date of Loss: 07/08/2017 - GL

[Quoted text hidden]
[Quoted text hidden]

Tue, May 8, 2018 at 9:01 AM

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Gary,

Attached is the no pay letter. Time is of the essence to consider resolution. Your client has had my demand packet now since February 9, 2018. Ms. Franklin's condition is worsening according to family. She was unable to understand that we needed to exchange the attached Medicare correspondence, and it finally had to be sent in care of her daughter. Please, ask your client to consider the demand at the earliest convenience, so that we can proceed accordingly. Thank you.

Jaime

[Quoted text hidden]

--
Jaime L. Agnew, Esq.
AGNEW Law Office, LLC
1144 S. Detroit, #140215
Toledo, OH 43614
Phone: 419-944-0880
Fax: 419-382-1916
jaimeagnew21@gmail.com

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 Franklin_Joyce_Medicare_NoPayLtr.pdf
45K



Jaime Agnew <jaimeagnew21@gmail.com>

Franklin

1 message

Jaime Agnew <jaimeagnew21@gmail.com>
To: Gary.Abrath@sedgwickcms.com

Mon, May 14, 2018 at 1:55 PM

Gary,

I just wanted to confirm your receipt of my previous correspondence sent May 8, 2018?

Jaime



Jaime Agnew <jaimeagnew21@gmail.com>

Automatic reply: Franklin

5 messages

Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Thu, Jun 28, 2018 at 7:24 AM

I am currently out of the office and will return on Friday, June 29th.

If you need immediate assistance, you may contact Emily Cayez at emily.cayez@sedgwickcms.com or 847-645-0657 or Katy Cody at katherine.cody@sedgwickcms.com or 847-645-0698

Thank you.

Have a great day!

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Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Fri, Jun 29, 2018 at 1:11 PM

Gary, I just left you a detailed voice message. I am aware you were out of the office until today, but it's 2pm, and I need an answer. Per your email June 20, 2018, you were confident you would have an answer for me this week?

Jaime
[Quoted text hidden]

Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Fri, Jun 29, 2018 at 2:01 PM

Hi Jamie,

I was hoping to have an answer this week based on my last few requests, but unfortunately, I haven't gotten a response yet on this one. I just sent an e-mail inquiring as to the status.

Please be assured it is getting worked on and I will definitely let you know as soon as I get some money.

Best Regards,

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726

EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring counts™

From: Jaime Agnew [mailto:jaimeagnew21@gmail.com]
Sent: Friday, June 29, 2018 1:11 PM
To: Abrath, Gary
Subject: Re: Automatic reply: Franklin

[Quoted text hidden]
[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Fri, Jun 29, 2018 at 2:32 PM

I meet with Ms. Franklin this coming Tuesday. I plan to move forward at that time. Thanks Gary.

Jaime
[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Mon, Jul 9, 2018 at 10:54 AM

Gary,

Per my meeting with Ms. Franklin, she is working on putting the money together for filing fees, so until that time, we can consider your client's response to our demand. Please advise on the status. Thanks.

Jaime

On Fri, Jun 29, 2018, 3:01 PM Abrath, Gary <Gary.Abrath@sedgwickcms.com> wrote:

[Quoted text hidden]



Jaime Agnew <jaimeagnew21@gmail.com>

Franklin

14 messages

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Mon, Jun 4, 2018 at 11:45 AM

Gary,

Following up from our previous telephone conference, any proposal?

Jaime

Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Tue, Jun 5, 2018 at 8:10 AM

Hi Jaime,

Working on getting some authority, should have something soon.

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726
EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring counts™**From:** Jaime Agnew [mailto:jaimeagnew21@gmail.com]
Sent: Monday, June 04, 2018 11:46 AM
To: Abrath, Gary
Subject: Franklin

Gary,

Following up from our previous telephone conference, any proposal?

Jaime

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Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Tue, Jun 5, 2018 at 8:18 AM

Thanks Gary!

[Quoted text hidden]

--
Jaime L. Agnew, Esq.
AGNEW Law Office, LLC
1144 S. Detroit, #140215
Toledo, OH 43614
Phone: 419-944-0880
Fax: 419-382-1916
jaimeagnew21@gmail.com

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Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Mon, Jun 18, 2018 at 10:10 AM

Gary,

My client and her family are really concerned about the delay and are pushing to file this case. I need a proposal this week, please, so my client can decide how to proceed, or we must consider moving forward without it. Thank you.

Jaime

On Tue, Jun 5, 2018 at 9:10 AM, Abrath, Gary <Gary.Abrath@sedgwickcms.com> wrote:

[Quoted text hidden]

--
Jaime L. Agnew, Esq.
AGNEW Law Office, LLC
1144 S. Detroit, #140215
Toledo, OH 43614
Phone: 419-944-0880
Fax: 419-382-1916
jaimeagnew21@gmail.com

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Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Wed, Jun 20, 2018 at 8:59 AM

Hi Jamie,

I apologize again for the delay. It's been crazy busy over here. Ms. Franklin's file has been forwarded to the client and I'm just awaiting some authority. I don't know if I will have an answer by the end of this week and I will also be out of

the office as well later this week, however, I'm confident I can get you something next week.

20

Best Regards,

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726
EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring countsSM

From: Jaime Agnew [mailto:jaimeagnew21@gmail.com]
Sent: Monday, June 18, 2018 10:10 AM
To: Abrath, Gary
Subject: Re: Franklin

[Quoted text hidden]

[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Wed, Jun 20, 2018 at 9:33 AM

That is understandable Gary. Please, be sure to follow up as soon as possible next week. Thank you.

Jaime

[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Thu, Jun 28, 2018 at 7:24 AM

Gary,

As per your previous email, I'm checking if you've received word from your client yet? Thanks.

Jaime

[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Wed, Jul 18, 2018 at 1:39 PM

Gary,

Just a follow up to our telecommunication, as I said very appreciative on your work at getting a speedy response from your client so we can, at least, attempt resolution before I am forced to file for court intervention. Hope to speak with you soon!

Jaime

[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Fri, Jul 20, 2018 at 3:05 PM

Just left a voice message. Anything yet from your client on this case?

Jaime

[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Mon, Jul 23, 2018 at 10:58 AM

Gary,

Word, yet?

Jaime

[Quoted text hidden]

Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Mon, Jul 23, 2018 at 3:24 PM

Hi Jaime,

Nothing yet.....I just sent an e-mail to follow up on the status.

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726
EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring countsSM

From: Jaime Agnew [mailto:jaimeagnew21@gmail.com]
Sent: Monday, July 23, 2018 10:58 AM

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
Draft To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Mon, Jul 23, 2018 at 3:28 PM

[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
Draft

Mon, Jul 23, 2018 at 3:29 PM

[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Mon, Jul 23, 2018 at 3:44 PM

Gary, if we haven't discussed previously, please, understand that my client is back in treatment for her hip and her brain condition has only worsened, which may mean additional damages. As long as this is taking, I can only hope your client is reasonable and I haven't been asking my client and her family to wait forever for naught? I can only forward this information to Ms. Franklin. Thank you for your response.....any word, please advise.

Jaime

[Quoted text hidden]



Jaime Agnew <jaimeagnew21@gmail.com>

Follow up - Joyce Franklin

17 messages

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Fri, Jul 27, 2018 at 7:41 AM

Gary,

Word from your client, yet?

Jaime

Jaime L. Agnew, Esq.
AGNEW Law Office, LLC
1144 S. Detroit, #140215
Toledo, OH 43614
Phone: 419-944-0880
Fax: 419-382-1916
jaimeagnew21@gmail.com

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Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Fri, Jul 27, 2018 at 1:27 PM

What is the hold up Gary? I really don't get it, is your client holding out for me to file? I've never had to wait so long on a demand response. What is really going on here? Filing is more expensive and time consuming for everyone. My client is really frustrated, and rightfully so, just be straight, does your client intend to make an offer or not?

Jaime Agnew
[Quoted text hidden]

Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Fri, Jul 27, 2018 at 1:27 PM

Hi Jaime,

I did get a response and they do have a couple of questions.

1. Do you have an itemized list of the charges for Ms. Franklin's treatment?
2. Can you please provide reasoning for your demand amount of \$425K with only \$7900.00 in outstanding bills?

Thanks!

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726
EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring countsSM

From: Jaime Agnew [mailto:jaimeagnew21@gmail.com]

Sent: Friday, July 27, 2018 7:42 AM

To: Abrath, Gary

Subject: Follow up - Joyce Franklin

[Quoted text hidden]

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Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Fri, Jul 27, 2018 at 1:31 PM

Hi Jaime,

Yes, they do intend on making an offer. I just emailed you some issues they had. I want to make sure we get a decent offer to you.

Thanks!

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726
EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring countsSM

From: Jaime Agnew [mailto:jaimeagnew21@gmail.com]

Sent: Friday, July 27, 2018 1:28 PM

To: Abrath, Gary

Subject: Re: Follow up - Joyce Franklin

[Quoted text hidden]

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

Jaime Agnew <jaimeagnew21@gmail.com>

Fri, Jul 27, 2018 at 2:22 PM

To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Thanks for your quick response! As for the questions, I believe I sent you the Medicaid statements? If not, I can forward the statement I have, which only reflects charges from 07/08/2017 thru 10/30/2017, and so do not include all the physical therapy or treatment beyond those dates but show \$54,901.42 in billing for services related to 1- hip injury and 2-brain injury so I don't understand what the \$7900 is?

As for our claim, I'm not sure how much more I can add to my original demand, which details my client's claims? However, aside from first addressing my client's hip injury, focusing on her head only, Ms. Franklin's head injury, with damage to the brain, and which include symptoms such as memory loss, cognitive impairments, and emotional and behavioral changes that in her case have significantly impaired her standard of living, where she now experiences seizures and must take medication to prevent those due to THIS incident, the court can perceive this as a "catastrophic injury" and greatly increases a Plaintiff's chances at the court even going beyond punitive damages caps. This has changed her life forever, thus our request. If I can provide more details, let me know.

Otherwise, please, get me an offer. Thanks again.

[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Fri, Jul 27, 2018 at 2:24 PM

Don't know why there is a change of font in my previous message? Sorry for the formatting.

[Quoted text hidden]

Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Fri, Jul 27, 2018 at 2:36 PM

Hi Jaime,

No, I never did get the Medicaid info. All I had received was the Lien from Ohio Dept of Medicaid for \$7600.00, sorry not \$7900.00

If you can forward me the itemized billing showing the \$54K, that would be extremely helpful and I will update my report with your info below.

Thanks again!!

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726
EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring countsSM

From: Jaime Agnew [mailto:jaimeagnew21@gmail.com]
Sent: Friday, July 27, 2018 2:23 PM

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Fri, Jul 27, 2018 at 3:54 PM

Attached is the info for your report.

[Quoted text hidden]

 **Franklin_MedicaidBillingStmt.pdf**
183K

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Thu, Aug 2, 2018 at 11:00 AM

Looking for that number Gary, any word since your report?

Thanks.

Jaime

[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Wed, Aug 8, 2018 at 12:19 PM

Gary, please advise as to the status. Thanks.

Jaime

[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Fri, Aug 10, 2018 at 10:48 AM

Gary, please let me know what is going on with that offer? I sent a few emails now with no response, and nothing to tell my client yet.

Jaime Agnew

[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Wed, Aug 15, 2018 at 1:19 PM

Gary,

I have this horrible feeling that we're back at square one? Please, let me know what's going on, when an offer is expected, so I can put my client at ease. Thank you.

Jaime

[Quoted text hidden]

Abrath, Gary <Gary.Abrath@sedgwickcms.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Thu, Aug 16, 2018 at 7:43 AM

Good Morning Jaime,

I have not gotten a response back yet, I will follow up. I had to redo my request to include the itemized billing you recently sent.

Thanks!

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726
EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring counts™

From: Jaime Agnew [mailto:jaimeagnew21@gmail.com]

Sent: Wednesday, August 15, 2018 1:20 PM

To: Abrath, Gary

Subject: Re: Follow up - Joyce Franklin

Gary,

[Quoted text hidden]

[Quoted text hidden]

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Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Mon, Aug 20, 2018 at 7:55 AM

Thanks Gary! Please, follow up as soon as possible....please! Thanks again.

Jaime

[Quoted text hidden]

Jaime Agnew <jaimeagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Thu, Aug 30, 2018 at 8:08 AM

Gary,

FYI, my client informed me this week that her husband was diagnosed with prostate cancer. She wants to file, and said she will be letting me know a deadline once she has his treatment recommendations from his physician. I'll keep you posted.

Jaime

[Quoted text hidden]

Abrath, Gary <Gary.Abrath@sedgwick.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Thu, Aug 30, 2018 at 8:23 AM

Hi Jaime,

Thank you for the update. If you do file, please send me a courtesy copy. I am still trying to get authority. Once I get it, I will throw you an offer and hopefully we can get this settled before too much litigation expense.

Have a great holiday!

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726
EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring countsSM

From: Jaime Agnew [mailto:jaimieagnew21@gmail.com]
Sent: Thursday, August 30, 2018 8:08 AM

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Jaime Agnew <jaimieagnew21@gmail.com>
To: "Abrath, Gary" <Gary.Abrath@sedgwick.com>

Thu, Aug 30, 2018 at 8:38 AM

Will do. Thanks.

[Quoted text hidden]



Jaime Agnew <jaimeagnew21@gmail.com>

Message from "RNP002673328EBD"

3 messages

4fl-cdsp-noreply@noris.org <4fl-cdsp-noreply@noris.org>

To: jaimeagnew21@gmail.com

Mon, Sep 24, 2018 at 12:00 PM

This E-mail was sent from "RNP002673328EBD" (MP C4501/LD645C).

Scan Date: 09.24.2018 13:00:56 (-0400)

Queries to: 4fl-cdsp-noreply@noris.org

20180924130056199.pdf

263K

Jaime Agnew <jaimeagnew21@gmail.com>

To: "Abrath, Gary" <Gary.Abrath@sedgwickcms.com>

Mon, Sep 24, 2018 at 12:05 PM

Gary,

The attached "forwarded message" contains the filed complaint in the Joyce Franklin matter. Thank you.

Jaime Agnew

[Quoted text hidden]

--

Jaime L. Agnew, Esq.
AGNEW Law Office, LLC
1144 S. Detroit, #140215
Toledo, OH 43614
Phone: 419-944-0880
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jaimeagnew21@gmail.com

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20180924130056199.pdf

263K

Abrath, Gary <Gary.Abrath@sedgwick.com>
To: Jaime Agnew <jaimeagnew21@gmail.com>

Tue, Sep 25, 2018 at 9:25 AM

Thank you Jaime, I will get this processed.

Email Message from RNP002673328EBD

30

Gary Abrath | Claims Adjuster - Liability
Sedgwick Claims Management Services, Inc.
DIRECT 847.645.0726
EMAIL Gary.Abrath@sedgwick.com
www.sedgwick.com | Caring countsSM

From: Jaime Agnew [mailto:jaimeagnew21@gmail.com]

Sent: Monday, September 24, 2018 12:06 PM

To: Abrath, Gary

Subject: Fwd: Message from "RNP002673328EBD"

[Quoted text hidden]

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